

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 2:05CR106-P-B

PATRICIA BUTLER,

DEFENDANT.

ORDER

This matter comes before the court *sua sponte* in relation to the court's April 27, 2006 Order denying the defendant's motion to delay the date upon which she is to report to the Bureau of Prisons. Upon due consideration of the defendant's terminal illness, the court finds as follows, to-wit:

Given the defendant's terminal condition, and given that upon information and belief there is currently no bed available at an appropriate federal medical facility, the court concludes that its April 27, 2006 order should be vacated in a manner ordered below.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) The court's April 27, 2006 Order [16-1] denying the defendant's motion to delay her report date of May 1, 2006 for six months is **VACATED**;

(2) The defendant, Patricia Butler, is not required to report to the Bureau of Prisons on May 1, 2006;

(3) Rather, the defendant may remain at home or at a healthcare facility at her own expense until such time as she is notified by the U.S. Marshall or the Bureau of Prisons that a bed is available for her at an appropriate federal medical facility; whereupon she is to transport herself to the facility; if she is unable to do so, she is to surrender to the Lafayette Detention

Center in Oxford, Mississippi on the date set to report;

(4) If the defendant cannot transport herself to the designated medical facility, and she reports to the Lafayette Detention Center, and the defendant requires medical supervision, the U.S. Marshall shall transport her to the designated federal medical facility via a S.O.A.P. flight.

SO ORDERED this the 28th day of April, A.D., 2006.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE